

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIXTO CRUIZ MURILLO,

No. C-12-0729 EMC (pr)

Petitioner,

v.

ORDER OF TRANSFER

JUDGE RONALD COULARD, *et al.*,


Respondents.

Petitioner has filed a petition for writ of habeas corpus to challenge his conviction from the Tulare County Superior Court. Tulare County lies within the venue of the Eastern District of California. Petitioner is confined at the Kern Valley State Prison in Kern County, also within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d), although a petition challenging a conviction or the sentence imposed is preferably heard in the district of conviction. *See* N.D. Cal. Habeas L.R. 2254-3(b). Here, the proper venue is the Eastern District of California because petitioner was convicted and is confined in that district. Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is **TRANSFERRED** to the United States District Court for the Eastern District of California. The Clerk shall transfer this matter forthwith.

Petitioner's request for a certificate of appealability is **DENIED** as premature. (Docket # 3.)

IT IS SO ORDERED.

Dated: April 4, 2012


EDWARD M. CHEN
United States District Judge